

REMARKS

Reexamination and reconsideration of the subject application are respectfully requested.

As correctly noted in the Office Action Summary, claim 8 is pending. Upon entry of the present response, claim 8 remains pending and awaits further consideration on the merits.

OBVIOUSNESS-TYPE DOUBLE PATENTING REJECTION

Claim 8 stands rejected under the judicially created doctrine of obviousness-type double patenting over claims 15-24 of U.S. Patent No. 6,447,912 to Mikus et al. (hereafter "*Mikus et al.*") on the grounds set forth in paragraphs 1-2 of the Official Action. This rejection is respectfully traversed.

The grounds for rejection are based upon assertions that various claim limitations "reads on Mikus." No further substantive rationale is given. It is submitted that the above-quoted grounds for rejection fail to address the *Graham v. John Deere* factors to the extent necessary to establish a *prima facie* case of obviousness-type double patenting.

However, in order to advance prosecution, applicants submit herewith a duly executed Terminal Disclaimer which disclaims the terminal portion, if any, of U.S. Patent No. 6,447,912, thereby obviating the above-noted grounds for objection.

CONCLUSION

From the foregoing, further and favorable action in the form of a Notice of Allowance is earnestly solicited. Should the Examiner feel that any issues remain, it is requested that the undersigned be contacted so that any such issues may be adequately addressed and prosecution of the instant application expedited.

Respectfully submitted,

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Date: August 27, 2003